

Protect Residential Rye Association, Inc.
PO Box 234
Rye, New York 10580

Secretary
Federal Communications Commission
445 12th St., SW
Room TW-A325
Washington, DC 20554

Cc:

Ajit Pai, Chairman
Mignon Clyburn, Commissioner
Michael O'Rielly, Commissioner
Nese Guendelsberger, Acting Bureau Chief, Wireless Telecommunications Bureau

Re: WT Docket No. 16-421, Streamlining Deployment of Small Cell Infrastructure By Improving
Wireless Facilities Siting Policies

We write with respect to the Federal Communications Commission (the "FCC") public notice requesting comment on "Streamlining Deployment of Small Cell Infrastructure...." (the "Public Notice".)

Protect Residential Rye Association, Inc. ("PRR"), among other things, makes available the results of non-partisan analysis and undertakes efforts to preserve the aesthetics of the City of Rye, New York and its neighborhoods, promoting sustainability of property values and preservation of the existing environment.

We will not be providing numerical data. Rather, we will present some simple propositions that may be helpful to the FCC in wisely assisting the deployment of wireless infrastructure.

1. THE CONSUMERS TO BE SERVED BY WIRELESS ARE THE SAME PEOPLE WHO ARE URGING THEIR LOCAL GOVERNMENTS TO CAREFULLY REVIEW WIRELESS DEPLOYMENT. The Public Notice speaks of "consumers rapidly growing demand for wireless broadband and other services" and then focuses on localities and their governments as if they are independent hindrances. In fact, local governments are simply representing consumers who are declaring that the wireless industry is not fulfilling its responsibility to them, as described below.

2. THE WIRELESS INDUSTRY HAS A RESPONSIBILITY TO PROVIDE CONSUMERS WITH ACCEPTABLE TRANSMISSION INFRASTRUCTURE. The wireless industry has paid little attention to the consumer friendliness of its transmission infrastructure at the same time as it has been focused on selling smaller and more user-friendly personal devices to customers. For example, converting wooden utility poles in small residential streets to cell towers by strapping substantial nodes to wooden utility pole tops and a cluster of equipment boxes to the sides is a disaster for neighborhood aesthetics and home resale prospects. This diminishes home values, effectively transferring that value to the wireless industry. Given progress on the end-user

device side, it is quite obvious that there has been no focus to speak of on creating inconspicuous, miniaturized, low-powered, well-dispersed transmission equipment. So long as "cheap" and "ugly" typify wireless infrastructure, consumer resistance will be strong.

3. IN TERROR PRONOUNCEMENTS BY THE FCC ARE UNHELPFUL. The FCC's past regulations and orders setting decisional deadlines and promoting unregulated collocation merely enforce the image of an industry-captured agency bullying the American people in their homes. Rushing local governmental process hardens resistance. The prospect of substantially unregulated "section 6409" expansion of wireless antenna sites makes resistance to initial siting all the more important, as does the alternative floodgate issue of separate competitive sites.

4. THE WIRELESS INDUSTRY HAS DEFAULTED IN ITS OBLIGATION TO SERVE CONSUMERS. GENERALLY. Substantial areas (typically poor or rural) of New York State are underserved by wireless providers. Wireless provider default on promises to provide broadband access in underserved areas has received press attention. At the same time, these providers are enabled by the FCC to ignore underserved areas and to bully their way further into already-served communities that wish wireless providers to respect their community values and aesthetics. In other words, the poor areas remain neglected and the areas that may provide ROI are exploited without mercy.

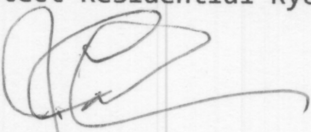
5. WIRELESS INDUSTRY MISCONDUCT SHOULD BE CURBED, NOT REWARDED. Here in Rye, New York, an infrastructure builder, since acquired by Crown Castle, obtained the City's signature on a right of way use agreement with the misleading proposition that City could either sign and collect the offered, non-negotiable 5% royalty or the builder would exercise its rights under law to build anyway and pay nothing. Crown Castle is now attempting to enforce that right of way use agreement in Rye. In Pelham, New York, similar facts produced a state court ruling against a similar right of way use agreement, on the basis that it had been obtained by "at best, a gross misstatement of federal law." Kaplan v. Village of Pelham, Index No. 13/3827 (Zambelli, J. June 20.2014), slip op. at 18. Crown Castle, on behalf of Verizon, is using its invalid agreement in an attempt to force suburban Rye to accept the blanketing of the town's rights of way with 2006-era urban equipment. Crown is claiming that this is for better 4G service, at the same time as Verizon crews are hanging 5G fiber throughout our town and stating that it is in immediate anticipation of 5G pole-attached transmitters. We recognize the plethora of planned antenna sites as sufficient for 5G. Months into the process we have yet to see proper propagation maps that would substantiate that this antenna build-out is for 4G, as claimed. We are aware that Verizon wishes to do 5G testing. We are aware that 5G standards are not yet developed. We believe that Crown and Verizon, under the banner of "cheap, dirty and dishonest" are trying to turn our City into a 5G test site under an illegal right of way use agreement and under color of FCC rules giving the provider the whip hand. We ask that the FCC recognize that it is participating in creating an environment that allows carrier aggression against and exploitation of consumer communities, and that it take steps to rein in such behavior.

6. MOBILITIE'S COMPLAINT, AND THE INDUSTRY'S BASKET OF COMPLAINTS REGARDING LOCAL GOVERNMENTS, ARE UNBECOMING OF PROFIT-MAKING COMPETITIVE MARKET PLAYERS. For all the fanfare of public-utility status and regulated entity status, it is obvious that the wireless infrastructure builders and carriers are very lightly regulated, competitive, profit-making businesses. They do not fulfill a public service utility mandate. As noted-above, a 5% royalty was forced on the City of Rye by an infrastructure builder more than six years ago. It is no surprise that such a royalty level, or even a competitive updraft in level, would occur generally. Similarly, it is to be expected that local governments will act protectively of their communities in the face of "densification." It is incumbent on the builders and carriers to make their activities, including densification, competitive and consumer friendly, from end to end, from signal transmission to end-user reception devices. Ultimately, that is their business and those who do it best will be those that survive and succeed. That is the American system.

Thank you for the opportunity to comment.

Protect Residential Rye Association, Inc.

By:

A handwritten signature in black ink, appearing to be 'JC' with a long horizontal flourish extending to the right.

Joshua Cohn

Title: Director